

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BRANDON CALLIER,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
NATIONAL UNITED GROUP, LLC, a	§	
Texas Liability Company, CENTENE	§	
CORPORATION, d/b/a AM BETTER,	§	
a Delaware Corporation, MULBERRY	§	Civil Action No. 3:21-CV-00071-DB
MANAGEMENT CORPORATION	§	
d/b/a OSCAR MANAGEMENT	§	
CORPORATION, a Delaware	§	
Corporation, CR INSURANCE GROUP,	§	
LLC, a Florida Limited Liability	§	
Company and John Does 1-4,	§	
<i>Defendant.</i>	§	

**PROOF OF SERVICE OF OSCAR’S
MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Mulberry Management Corporation d/b/a Oscar Management Corporation (“Oscar”) respectfully files this Proof of Service of Oscar’s Motion to Dismiss Plaintiff’s Complaint (the “Motion to Dismiss”) as required by this Court’s Order to Show Cause dated July 9, 2021. (ECF 39). Accordingly, Oscar shows this Court, as follows:

1. On April 23, 2021, counsel for Oscar asked Plaintiff Brandon Callier (“Callier”) via e-mail whether he consented to receive filings by email for this matter. On that same day, Callier consented and requested that Oscar “send all filings and correspondence via email.” Ex. A.
2. On May 26, 2021, Oscar filed its Motion to Dismiss with this Court. (ECF 19). Pursuant to Oscar’s agreement with Callier, Oscar served Callier with a copy of Oscar’s Motion to Dismiss after it was filed. *See* Ex. B.

3. On June 10, 2021, Callier filed a Motion for Leave to File his Amended Complaint. (ECF 25). This Court granted Callier's Motion for Leave on June 24, 2021. (ECF 27). Accordingly, Oscar's Motion to Dismiss is effectively denied as moot because Callier filed an Amended Complaint with this Court. (ECF 33).

4. On June 30, 2021, Oscar and Callier filed an Agreed Motion for Extension of Time to File a Responsive Pleading to Plaintiff's Amended Complaint. (ECF 30). On July 1, 2021, this Court granted the Agreed Motion for Extension of Time, setting Oscar's responsive pleading deadline to July 22, 2021. (ECR 31).

5. Accordingly, Oscar intends to file its responsive pleading to Callier's Amended Complaint by July 22, 2021, and its Motion to Dismiss filed on May 26, 2021, is effectively moot.

Dated: July 20, 2021

Respectfully submitted,

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Michael A. Harvey

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CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, the undersigned counsel for the Defendant certifies that the foregoing document has been filed with the Court and served upon all known counsel of record via the Court's electronic case filing system on July 20, 2021, and served upon Plaintiff via email as per agreement with Plaintiff.

/s/ Earl L. Ingle
Earl L. Ingle